

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 626 be amended to read as follows:

- 1 Page 18, between lines 16 and 17, begin a new paragraph and
- 2 insert:
- 3 "SECTION 18. IC 10-11-2-15 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]:
- 5 Sec. 15. (a) The superintendent may discharge, demote, or
- 6 temporarily suspend an employee of the department for cause, after
- 7 setting forth charges in writing.
- 8 (b) The charges may be based on any violation of the laws of
- 9 Indiana or any violation of the rules of the department approved by
- 10 the board. A copy of the charges shall be personally delivered to the
- 11 employee by the employee's immediate commanding officer.
- 12 (c) An employee who is charged under this section has a right to
- 13 answer the charges in a personal appearance before the
- 14 superintendent. The superintendent shall set the appearance not less
- 15 than five (5) days after the delivery of the copy of the written charges
- 16 to the employee.
- 17 (d) Under the charges and after the personal appearance under
- 18 this section, disciplinary action taken by the superintendent is subject
- 19 to review at a public hearing before the board if the hearing is
- 20 demanded by the disciplined employee not later than fifteen (15) days
- 21 after receiving notice of the disciplinary action. The notice shall be by
- 22 certified mail, return receipt requested, and shall be addressed to the
- 23 employee at the employee's last known place of residence. If the
- 24 employee fails to request a hearing before the board not later than
- 25 fifteen (15) days after receiving notice of disciplinary action, as

1 provided in this section, the decision and action of the superintendent
2 are final and not subject to review.

3 (e) An employee who requests a hearing before the board under
4 this section may be represented by counsel. The attorney general shall
5 appear in the case to represent the interests of the people of the state.

6 (f) The state has the burden of proving the charges giving rise to
7 the hearing. The procedure in a hearing before the board is informal
8 and without recourse to the technical common law rules of evidence
9 required in proceedings in courts.

10 (g) The board shall:

11 (1) designate a reporter for the hearing; and

12 (2) after all evidence has been introduced, make an informal
13 finding of facts and a determination based upon the facts.

14 (h) The board shall notify the employee of its findings and
15 determination by certified mail, return receipt requested, addressed to
16 the employee at the employee's last known place of residence. If
17 aggrieved by the determination, an employee may seek judicial
18 review under IC 4-21.5-5.

19 (i) Probationers may be discharged, demoted, or temporarily
20 suspended without right to a hearing before the board.

21 (j) An employee may not be discharged, demoted, temporarily
22 suspended, or disciplined:

23 (1) because of political affiliation; or

24 (2) after the employee's probationary period, except as
25 provided in this chapter.

26 **(k) An employee may not be discharged, demoted, temporarily**
27 **suspended, or disciplined for refusing assignment to a riverboat**
28 **licensed under IC 4-33 if as a matter of conscience the employee**
29 **refuses the assignment to a riverboat.**

30 ~~(l)~~ (l) This chapter may not be construed to prevent the exercise
31 of disciplinary measures by commanding officers within the
32 department under the rules approved by the board."

33 Page 22, between lines 5 and 6, begin a new paragraph and
34 insert:

35 "SECTION 24. [EFFECTIVE JANUARY 1, 2000
36 (RETROACTIVE)] **(a) This SECTION applies to an employee of**
37 **the state police department who was discharged before January 1,**
38 **2001, for actions exempted from disciplinary measures under IC**
39 **10-11-2-15(k), as amended by this act.**

40 **(b) The superintendent of the state police department shall**
41 **reinstate, with back pay, any employee described in subsection (a).**

42 **(c) This SECTION expires January 1, 2006."**

43 Renumber all SECTIONS consecutively.

(Reference is to ESB 626 as printed March 23, 2005.)

Representative WALORSKI